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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

24 Cr. 442 (NRB)

5 SARAH VALERIO PUJOLS,

6 Defendant.

Sentence

7 -----x

8 New York, N.Y.
9 January 30, 2025
2:00 p.m.

10 Before:

11 HON. NAOMI REICE BUCHWALD,

12 District Judge

13 APPEARANCES

14 DANIELLE R. SASSOON

15 United States Attorney for the
Southern District of New York

16 BY: BENJAMIN A. GIANFORTI

Assistant United States Attorney

17 TAMARA L. GIWA

18 Federal Defenders of New York, Inc.
Attorney for Defendant

19 BY: MARISA K. CABRERA

Assistant Federal Defender

20 Also Present: Ashley Toribio, Paralegal

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(Case called; appearances noted)

THE COURT: Everyone may be seated.

As it's clear everybody's aware, the purpose of today's proceeding is to determine the sentence for Ms. Pujols, given her plea of guilty. So let me begin, as I always do, by making sure that I have all the documents that have been submitted in connection with the proceeding:

First is the report from the probation department, the presentence investigation report. It bears a revised date of October 28 of 2024;

Next, there's the submission by Federal Defenders with an impressive collection of letters from family and friends; and

Finally, the government's submission, which was filed on January 21 of this year.

I might have forgotten to say that the Federal Defenders submission is dated January 9 of this year.

Let me confirm that both sides have received a copy of the presentence investigation report.

MR. GIANFORTI: Yes, your Honor.

MS. CABRERA: Yes.

THE COURT: Are there any objections to it?

Mr. Gianforti.

MR. GIANFORTI: No.

THE COURT: Ms. Cabrera.

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1 MS. CABRERA: No, your Honor.

2 THE COURT: Ms. Cabrera, have you had a chance to
3 review the presentence report with your client?

4 MS. CABRERA: Yes, your Honor.

5 THE COURT: Do you have any objections to it?

6 MS. CABRERA: No, your Honor.

7 THE COURT: Did you review with her the requested
8 special conditions of supervised release that were proposed by
9 the probation department?

10 MS. CABRERA: Yes, your Honor.

11 THE COURT: And did you have any objection to any of
12 them?

13 MS. CABRERA: No, your Honor.

14 THE COURT: All right.

15 Ms. Cabrera, I'm going to give you the floor.

16 MS. CABRERA: May I move?

17 THE COURT: Any place you want.

18 MS. CABRERA: OK. Thank you, Judge.

19 THE COURT: Whatever's comfortable.

20 MS. CABRERA: Thank you, your Honor.

21 A nonincarceratory sentence is appropriate here, we
22 believe, in this case under the circumstances.

23 Ms. Valerio is a nonviolent, zero-point offender, who
24 accepted an opportunity to carry money from a childhood friend
25 and deliver it to his family in the Dominican Republic for him.

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1 And she agreed to do this during a period in time that was one
2 of the most challenging times in her life, periods of her life,
3 when she was trying to conceive a child, which she had been
4 attempted to do for years. The costs of these fertility
5 treatment were overwhelming for her. The shame of being unable
6 to carry a child without medical intervention deeply
7 embarrassed her. And it was against this backdrop that she
8 made this decision, and a wrong decision. And it's a decision
9 she deeply regrets, but she fully acknowledges that it was her
10 decision alone.

11 Now, while Ms. Valerio's codefendant, Charlie
12 Hernandez, received a sentence of three months of
13 incarceration, we do not think that that is the appropriate
14 sentence here for Ms. Valerio. And I do think that there are
15 actually, in fact, multiple factors that distinguish
16 Ms. Valerio from Charlie Hernandez that warrant a noncustodial
17 sentence.

18 First, the obvious, I think, is the fact that she does
19 have a young child, who's actually present today, that she's
20 the primary caretaker of. Her family lives in Missouri, her
21 immediate family. Most of the folks in here today are actually
22 friends, and I think there are two cousins here, but it's such
23 an amazing show of support for Ms. Valerio today. But as all
24 of their letters have indicated, she is the primary caretaker
25 for their four-year-old son.

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1 Her husband is incredibly worried as to how they'll
2 manage without her. He's the primary breadwinner. They are
3 unable to afford child care without Ms. Valerio being able to
4 stay at home with him. And again, this isn't just simply a
5 sentiment expressed by her husband. It's expressed in those 34
6 letters of support.

7 Second, she has a job awaiting her, depending on the
8 outcome of the case.

9 Now, during the pendency of this case, when she was
10 first arrested, Ms. Valerio was working as a home health aide
11 for her mother, who was quite ill. In the midst of it, her
12 mother moved to Missouri, and so she was no longer working as
13 her health aide and kind of first got a taste of the challenges
14 associated with a criminal prosecution and eventually a
15 conviction in that the background checks started coming through
16 when she was applying for jobs.

17 And so despite these challenges, she was able to
18 secure something, through CVS, as a bilingual customer service
19 representative in October of 2024. However, after the
20 background check, when they realized that this sentencing was
21 pending, they had asked her to delay her start date until
22 afterwards.

23 As of last week, on January 23 of 2025, she was still
24 contacted by CVS, asking for the status of the sentencing. And
25 what that means, to us and I think the reasonable inference is

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1 that if she does remain at liberty, it does seem as though
2 there's a job still waiting for her. If she's detained, it's
3 unlikely that they're going to hold this position open for her
4 until she concludes her sentence, which would certainly be a
5 shame, because it was quite hard for her to find a job.

6 You know, as I mentioned, the impacts of a felony
7 conviction are already being felt by Ms. Valerio, and it's hard
8 to imagine that a three-month sentence or really any sentence
9 is worth the cost of the new employment, especially when
10 studies have shown time and time again that successful --
11 employment goes hand in hand with successful reintegration into
12 the community.

13 Now, a third point is that I think it's worth noting
14 that Mr. Hernandez seemingly had a different level of
15 involvement than Ms. Valerio, and he did face higher guidelines
16 than Ms. Valerio, which I think should also be considered when
17 fashioning a sentence here.

18 Mr. Hernandez's guideline sentence was based on
19 \$120,000 versus Ms. Valerio's, I think, 61,000, and the
20 allegations were that he delivered half the money to
21 Ms. Valerio, which seemingly meant that he was -- it wasn't
22 just simply that he was carrying the money, but he was also
23 divvying it up to different people. And I do think that's
24 worth considering here.

25 And it's also my understanding that Mr. Hernandez knew

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1 definitively that these were the proceeds of drug money,
2 whereas, here, it's that Ms. Valerio should have known. She
3 was never directly told by her childhood friend that these were
4 drug proceeds money. And you know, I think that there is -- I
5 also think, lastly, that there's something to be said about
6 Ms. Valerio's motives here.

7 Her motives were incredibly different than
8 Mr. Hernandez's, and I do believe that warrants consideration
9 as well. She did this to finance the exceedingly high costs of
10 her fertility treatments, treatments that her long-time friend
11 who asked her to do this had even, like, participated in
12 counseling her through and even was present in the waiting room
13 when she was getting her IUI procedures done. He knew her
14 desperate circumstances and offered her an opportunity to ease
15 the financial burden of it. Obviously, it's an opportunity
16 that she deeply regrets now, having to accept it now.

17 But unlike Hernandez, who the government described his
18 actions to be, quote, somewhat inexplicable from a financial
19 standpoint, end quote, Ms. Valerio was not acting out of a
20 place of greed or indifference but really of desperation, which
21 unfortunately blinded her here. She's a good person. There's
22 just no question of it. The 34 letters of support, which is
23 the most that I've seen in my career here, I think, show you
24 how deeply loved she is by so many people. And you just don't
25 get 34 letters of support without being a really good, stand-up

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1 person.

2 THE COURT: Having been around this courthouse
3 considerably longer than you, I would say that in a case of
4 this magnitude, this is the most letters I've ever seen.

5 MS. CABRERA: And I think that's incredibly telling,
6 your Honor.

7 As Ms. Valerio will be the first to tell you, you
8 know, good people sometimes make the wrong choices, which is
9 certainly what's happened here. And she's already certainly
10 feeling the consequences of that.

11 Jail is simply not necessary for Ms. Valerio, a first
12 time and zero-point offender. She's been at liberty, living a
13 law-abiding life for nearly five years before being arrested
14 here. She's been exceptionally compliant with the terms of her
15 pretrial release. This experience, though, has really pulled
16 the rug out from under her, and while we understand the
17 seriousness of the offense and the conduct here, I think it's
18 clear that there's no doubt that a flight attendant would be
19 fully deterred from seeing the consequences that Ms. Valerio
20 has endured already.

21 She's lost her coveted, really coveted, job as a
22 flight attendant. They're pretty hard to get. She's faced
23 federal criminal prosecution. She's faced incredible
24 challenges in finding a new job, and she's lived with the fear
25 of having to abandon her family and her child because of her

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1 own action. And the reality is, as your Honor already knows,
2 each defendant has to be treated individually and separately at
3 their sentences. And while a three-month sentence may have
4 been deemed appropriate for Mr. Hernandez in balancing the
5 3553(a) factors for his case, the same cannot be said for
6 Ms. Valerio.

7 A time-served sentence with a term of home
8 incarceration is the appropriate sentence here and, along with
9 all of the other collateral consequences here, will be
10 sufficient punishment and deterrence given the conduct in this
11 case.

12 Unless your Honor has any other questions --

13 THE COURT: No.

14 Ms. Valerio, would you like to speak now? You can
15 also have an opportunity to speak after the government speaks.

16 THE DEFENDANT: I just wanted to let you know that I
17 am deeply remorseful for my actions.

18 I'm sorry.

19 THE COURT: It's not necessary for you to say
20 anything. I've read your letter. If it's really hard for you
21 to speak now, it's OK.

22 THE DEFENDANT: I'm just sorry. I feel shameful. I
23 feel like I let my friends, my family, my son down. But I just
24 want you to know that I am a good person. What -- that person
25 on that paper is not me. I had -- I made a wrong decision, but

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1 I'm a good person. I'm a good mom, and I'm a great friend.
2 And I just wanted to let you know that.

3 THE COURT: Let me hear from the government.

4 MR. GIANFORTI: Your Honor, unless you have any
5 questions for me, we'll rest on our submission.

6 THE COURT: I do.

7 Can we all agree that we're not really concerned that
8 Ms. Valerio is ever going to commit another crime again?

9 MR. GIANFORTI: I would agree with that.

10 THE COURT: Then your argument is not one of specific
11 deterrence. It's one of general deterrence. Could you tell me
12 why it would not be either equally or more deterrent for the
13 government, TSA, I guess it is, to do random serious searches
14 of airline personnel who normally walk through with less
15 intrusive searches if they knew that randomly they really could
16 be searched? Don't you think that would deter them more than
17 putting someone in jail for three months?

18 MR. GIANFORTI: So, your Honor, I agree that it would
19 have a deterrent value if there was more certainty around
20 screening.

21 THE COURT: That's in the control of the government,
22 in control of the executive branch, how often they want to do
23 it. They certainly screen the rest of us. We don't get to
24 walk through, even if we're federal judges. We get a better
25 line.

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1 MR. GIANFORTI: That's something.

2 THE COURT: That is something. Absolutely it's
3 something; it's one of the few perks of the job.

4 But there is no preset limit to how many searches they
5 could make, and it just seems to me that if the word got out
6 and it was acted on, that would be a very effective deterrent.

7 MR. GIANFORTI: Your Honor, I agree with you that if
8 the TSA were to up its game, shall we say, with respect to
9 people who happen to know this criminal status, that would
10 indeed be a good general deterrent in this area.

11 Also, your Honor, one of the things I learned in the
12 course of this investigation is that the airlines themselves
13 seemed to have been sort of blindsided by this kind of conduct.
14 I spoke to Jet Blue. I think I spoke to Delta, and I don't
15 think any of them had within their training for incoming flight
16 attendants sort of a basic understanding of customs laws and
17 regulations around declaring cash, not moving cash. So the
18 government hopes that not only on the public sector side there
19 will be a deterrent effect but also on the private sector side.
20 But I think, your Honor, that absent that, and I'm not aware of
21 there being any changes, there's still a need for general
22 deterrence here because your average flight attendant might see
23 that and say, well, I've never been screened before; I don't
24 see an uptick in screening for people like me, I'm making money
25 doing this.

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1 And so there's a need here for an incarceratory
2 sentence to send a message that this kind of conduct will be
3 immediately punished.

4 THE COURT: Well, that makes a big assumption that
5 anyone's going to learn about it. And frankly, recently, a
6 sentence of mine, I put somebody in jail for 30 years because
7 they had been dealing with heroin laced with fentanyl resulting
8 in basically eight known deaths, there was not one bit of
9 publicity. And a lesser sentence probably was sufficient for
10 the person. So I'm not so confident that there's going to be
11 the type of publicity that would have an impact. Instead, it
12 seems to me that the government writ large can take the steps
13 to send fear into the views of any airline personnel who get
14 through easily. And it seems to me, frankly -- and I've
15 thought about this over the years -- that we ought to learn,
16 the government ought to learn, from criminal prosecutions as to
17 where the flaws are in how the government functions.

18 For example, I had one of the many tax cases where
19 preparers create additional dependents from the sky, and yet
20 you can go after that person. You can put them in jail, but
21 wouldn't it make more sense if money was invested in the IRS so
22 they had a computer system which said, oh, in year one, this
23 person had one kid. In year two they had four. Probably we
24 should look into that, because there aren't that many triplets
25 born. But that never happened. And it wasn't that it was

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1 wrong to put that person in jail, but the solution was obvious
2 and so much more effective than having caught people who were
3 cheating on their taxes so the rest of us could pay more.

4 I think you probably have a sense of where I'm going.

5 MR. GIANFORTI: I do, your Honor.

6 THE COURT: OK.

7 Ms. Valerio, I'm not putting you in jail. OK? I
8 don't think it would serve any good purpose and would cause a
9 lot of harm.

10 Unlike some situations where defendants appeal to me
11 because of their children, my reaction to that is, normally,
12 you should have thought about that before you committed your
13 crime. In your case, there was no child at the time this crime
14 was committed. And let me say that I'm not condoning what you
15 did -- it's wrong -- but the question is what price do you pay
16 for it. And I think you've paid enough of a price.

17 This is no doubt -- I don't really know, and I should
18 have asked the government.

19 Why was there such a gap between the time that they
20 found the money and she lost her job and the filing of the
21 charges here?

22 MR. GIANFORTI: So, your Honor, the honest answer is
23 this case was handled by multiple AUSAs. I'm not the first,
24 and it just took a while.

25 THE COURT: Then there's a period of time where, I

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1 don't know, but Ms. Valerio may well have been thinking about
2 this, you know, in the middle of the night and wondering if
3 anything else was going to happen, and this, of course, being
4 the recent time period. So I'm not even sure exactly what the
5 purpose of home confinement here would be. It seems to me that
6 essentially her life is home confinement.

7 I remember those days, and so if I put her on home
8 confinement, I'd let her out to take her kid to school. I'd
9 let her out for every doctor's appointment. I would let her
10 out for a whole bunch of, to go to church or do things. It
11 seems to me she's basically home. If the government has a
12 suggestion as to how that would be meaningful, I'm happy to
13 order it, but it seems to me that's the life she lives now,
14 because there's no electronic monitoring. It's really you have
15 to be home unless you have a really good reason to leave the
16 house. And I suspect that is essentially when she leaves the
17 house.

18 So I think I'll leave it at time served, and she's
19 placed on supervised release for one year.

20 I signed the forfeiture order. That, of course, is a
21 massive sum of money and is part of the punishment. There's
22 also a \$100 special assessment.

23 As far as the supervised release, the mandatory,
24 standard and special conditions are imposed.

25 I'm sure, I assume, that the plea agreement contained

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1 a waiver of the right to appeal, but just in case, I'll mention
2 again that there's 14 days to do so.

3 Is there anything else?

4 MR. GIANFORTI: Not from the government.

5 MS. CABRERA: Not from the defense. Thank you, your
6 Honor.

7 THE COURT: Very good. Thank you.

8 (Adjourned)